

Memorandum

To: File, Water District 34

From: Tim Luke

Date: October 8, 2001

Re: Antelope Creek Stream Channel Alteration Concern

I received a call from Jack Harrop on 9/27/01 concerning a problem with water flow and delivery on Antelope Creek near Grouse (Big Lost River tributary). Harrop stated concerns about lack of water going to North Channel due to some type of stream work alteration made by a downstream water user some three to four years ago. Harrop maintains that the North Channel is the main channel but watermaster Doug Rosenkrance and other water users believe the south channel is the main channel.

Greg Taylor of IDWR looked at the creek last spring. It is Greg's opinion that both channels are natural braided channels. Greg said that there are no diversion works or headgates associated with the split and that no water rights define the location as a point of diversion. Greg's field visit confirmed that some type of stream work or alteration had been done within the past few years and observed that the south channel is about a foot lower than the north channel and thus more water goes to the south. Greg believed that the distribution of water between the two channels was not problematic in the past until the alteration was made. Greg further believes that some channel restoration could be initiated to help resolve the problem or concerns given by Harrop. Specific restoration recommendations may be difficult since there is a lack of documentation concerning the condition of the stream prior to the alteration. Greg said that he and Rob Brocheau of the Army Corps advised Harrop and others last spring to try and have the water users and water district resolve the problem locally on their own since government intervention or regulation may be more time consuming and costly. They also advised contacting the water district given concerns about water rights and delivery.

After getting information and input from both Greg and Doug Rosenkrance, I called Harrop back and advised him to try and work the matter out again among the concerned or affected water users. I also advised that he or others should obtain a stream alteration permit application if any physical stream work or restoration is contemplated. I made this recommendation on the basis that there appears to be no physical irrigation diversion or water right point of diversion description at the point or location where the channels split. I also advised possibly contacting Erv Ballou of the IDWR Stream Channel Protection Program. I advised Harrop that I was aware that Erv planned to be in the Moore area later this month and could perhaps review this matter with he and other users if necessary. I also offered my availability to try and work with he and other users on further resolution of the matter but that IDWR stream channel staff would need to be involved.

CC: Erv Ballou, IDWR

Water District No. 34
P. O. Box 53
Mackay, ID 83251
(208) 588-3137

April 10, 2001

To all Antelope Irrigators:

A meeting was held on Monday, April 9, 2001 to discuss the north and south channels of Antelope Creek and their use during the 2001 irrigation season. All irrigators or their representatives were present at the meeting.

Those in attendance at the meeting were in agreement that two-thirds of the water in Antelope Creek would be delivered through the south channel with one-third being delivered through the north channel. It was also decided that the Watermaster would monitor the water level and determine when it is no longer beneficial to divide the stream flow at which point all water will be delivered through the south channel. The Watermaster will instruct Mike Seal to make these changes.

In the future, questions regarding the use of the north and south channels of Antelope Creek should be directed to the Watermaster. He may be reached in his office at 588-3137 or at home at 588-2551.

DR:stn

Cc: Greg Taylor
Eastern Region IDWR

NOTICE TO CEASE AND DESIST

Date: April 6, 2001

To: E.J. Harrop

Please be advised that we the undersigned demand that you cease and desist from diverting any and all water from the main channel of the Antelope Creek into any flood channels, any side channels, or any channels whatsoever for which you have not been specifically granted a decree and/or point of diversion. And, any water that has been diverted prior to this notice be returned to main Antelope Creek.

The above described unauthorized and illegal diversion will reduce the quantity of water under existing water rights; the water supply is currently insufficient for the purpose intended; and it is not reasonable or practical to divert Antelope Creek flows into these channels.

You are advised to cease and desist from all activity relating to the above described unauthorized and illegal diversion of water.

Darryl Rasmussen 4-6-01

Curtis Bell 4-6-01

Mike Key 4/6/01

Donald Barnum 4-16/01

Tommy Kiger 4/6/01

John Reese 4/6/01

Jim Waddum 4/6/01

Lee J. Dan 4/7/01

Randy S. MEA 4/7/01

John D. King 4/7/01

Harold Smith 4-7-01

To Tim
Date 9/27 Thurs Time 11:20 ~~AM~~ ~~PM~~

WHILE YOU WERE OUT

M. Jack Harrop
of Pocatello

Phone Numbers

Office 208-237-8405

Area Code

Number

Ext.

Voicemail _____

FAX _____

Pager _____

Mobile _____

e-mail _____

☐ Telephoned

☒ Please call

☐ Returned your call

☐ Called to see you

☐ Wants to see you

☐ Will call again

☐ URGENT

Message

He's a water user on Antelope Ck
in Custer Co. The channel was
rediverted to conserve water. Div.
into a leaky diversion. Water getting
to his place is not over 30 inches,
4 or 5 yrs ago they started a head cut
which is within
20 to 30 ft of the main channel now.
Fear that the next high wtr year,



ANDAD
RECEIVED

Operator

208
#237-8405

the headcut will reach
the main channel ~~and not~~
causing irreversible damage.

Paul Meyer from Eastern
went out with him & looked
at it. Gave him you
and Skip's numbers.

If you can't get a
hold of him, you may also
call Jack Horton 584-3232
another wtr. user.

Jaime